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Electronically Filed on 11-10-09

6 Attorneys for BAC Home Loans Servicing, L.P.
7 fka Countrywide Home Loans Servicing L.P.

8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In Re:

BK-S-09-24682 BAM

11 SALVADOR GRIMALDO RODRIGUEZ

Date: November 12, 2009

Time: 2:30 p.m.

12
13 Debtors.

Chapter 13

14
15 OPPOSITION TO MOTION TO VALUE DEBTOR'S NON-PRINCIPAL RESIDENCE REAL
16 PROPERTY, TO MODIFY THE RIGHTS OF PARTIALLY SECURED AND AND WHOLLY
17 UNSECURED LIENHOLDERS AND OBJECTION TO LIENHOLDERS' PROOF(S) OF
18 CLAIM, IN ANY

19 COMES NOW, BAC Home Loans Servicing, L.P. fka Countrywide Home Loans Servicing L.P.
20 (Hereinafter "Secured Creditor") and files this Opposition stating as follows:

21 Undersigned counsel apologizes to the Court and Debtor's counsel for filing this late opposition
22 but he only recently received the file and reviewed the same.

23 Secured Creditor is the first deed of trust holder on 5204 Casco Way, Las Vegas, Nevada,
24 89107, (hereinafter "subject property"), and is owed over \$264,000.00. Prior to the Court reducing the
25 lien to \$90,000.00, (resulting in a \$174,000.00 loss), the Court should allow Secured Creditor to; 1)
26 obtain its own valuation of the subject property, and 2) conduct limited discovery to verify that the
Debtor is being truthful with the Court as detailed below.

1 Secured Creditor asserts that the subject property, 5204 Casco Way, Las Vegas, Nevada 89107,
2 should be treated as the Debtor's personal residence and not subject to a lien-strip of any kind pursuant
3 to 11 USC 1322. It is the only real property that Debtor owns in Clark County according to the
4 Assessor's website and was purchased as his residence in April 2007. (See exhibit "A").

5 The Debtor claims in question 15 of his Statement of Financial Affairs that he has not lived
6 anywhere else but 3370 Rio Grande Street, Las Vegas, Nevada 89115 for the three years immediately
7 prior to this bankruptcy filing. This case was filed on August 12, 2009, meaning that the Debtor failed
8 to move in to the subject property upon purchase and has resided in the Rio Grande property since
9 August 12, 2006.

10 The Rio Grande Street property is owned by Robert Ortega Mata and Conseulo Mata De Ortega
11 as of October 31, 2005. It is the only real property that these people own in Clark County Nevada
12 according to the Assessor's website. (See exhibit "B").

13 The Debtor did not list a residential lease for his alleged occupancy of the Rio Grande Street
14 property in his Schedule "G" and he did not list a lease he might have with the "unkown" occupants of
15 the subject property. (See exhibit "C"). Secured Creditor would like an opportunity to see a copy of
16 any leases the Debtor has concerning the two properties and speak with the alleged landlord of his
17 current residence.

18 On Schedule "I" the Debtor does not list any rental income from the subject property. If the is
19 not occupying the property, then it can be assumed that he is treating it as a rental property which should
20 be generating rental income. (See exhibit "D").

21 Futhermore, the Debtor lists in it schedule "J" that his "Rent or home mortgage payment" is
22 \$1,946.00 per month. This amount is the monthly payment owed this Secured Creditor for the subject
23 property which means the Debtor resides at the Rio Grande property free of charge or did not disclose
24 what the amount of the monthly rent. (See exhibit "E").

25

26

Presuming that the Debtor moved out of the subject property prior to his bankruptcy, Secured Creditor asserts that it was not the intent of Congress to allow a debtor to move out of its residence during the life of a plan to circumvent the prohibitions of modifying a debt secured by a residence. See 11 USC 1322(c)(2). There are too many unanswered questions in the Debtor's attempt to treat the subject property as a rental and strip a large portion of Secured Creditor's interest in the same.

Finally, Secured Creditor disputes the \$90,000.00 valuation of the property. If the Court is inclined to allow the Debtor to go forward, Secured Creditor asks for some time to obtain its own appraisal and find out the information listed above.

WHEREFORE, Secured Creditor asks that this Court deny the requested relief.

DATED this 9th day of November, 2009.

WILDE & ASSOCIATES

By _____

GREGORY L. WILDE, ESQ.

Attorneys for Secured Creditor

208 South Jones Boulevard
Las Vegas, Nevada 89107

Certificate of Facsimile

I certify that on November 10, 2009, I served a copy of the foregoing opposition on Debtors' Counsel by facsimile as follows:

Jorge L. Sanchez, Esq.
Sanchez Law Group, Ltd.
Fax No. 702 537-2900

[Signature]

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2108
DESTINATION TEL # 5372800
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TIME USE 02'41
PAGES SENT 10
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Gregory L. Wilde **
Kevin S. Soderstrom
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**Licensed in Nevada and Utah
***Licensed in Nevada and California

WILDE & ASSOCIATES

ATTORNEYS AT LAW

A Partnership of Professional Law Corporations

NEVADA

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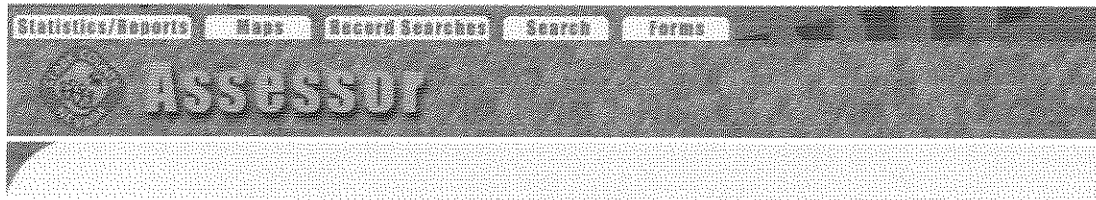
UTAH

FELT BUILDING
32 Exchange Place, Suite 101
Salt Lake City, Utah 84107
(801) 363-4875
(Fax) 363-4850

FAX COVER SHEET

DATE: November 10, 2009
TO: Jorge Sanchez, Esq.
FAX NUMBER: (702) 537-2800
FROM: Cathy for Gregory Wilde, Esq.
RE: In Re Salvador Grimaldo Rodriguez
Case No. BK-S-09-24682-BAM
NUMBER OF PAGES: 10 (Including this cover sheet)
MESSAGE:

Please see attached Opposition to Motion to Value et. al. If you have questions, please call our office at (702) 258-8200.



M.W. Schofield, Assessor

PARCEL OWNERSHIP HISTORY

ASSESSOR DESCRIPTION						
MEADOW VISTA UNIT #3 LEWIS HOMES PLAT BOOK 21 PAGE 48 LOT 147 BLOCK D						
SEC 25 TWP 20 RNG 60						

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
138-25-814-012	GRIMALDO-RODRIGUEZ SALVADOR	20070425:04354	04/25/2007	NO STATUS	200	.15 AC

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
138-25-814-012	DINKLER CHARLES E	1947:1906115	06/28/1984	NO STATUS	200	SUBDIVIDED LOT
010-072-032	HOLLENBECK DARLENE	1899:1858407	04/04/1984	NO STATUS	200	SUBDIVIDED LOT
010-072-032	CUMMING RICHARD A & DIANA L	1254:1213710	07/18/1980	JOINT TENANCY	200	SUBDIVIDED LOT
010-072-032	LEWIS HOMES NV	0852:0811677	02/28/1978		200	SUBDIVIDED LOT
010-070-002	LEWIS HOMES OF NV	0690:0649607	12/21/1976		200	24.22 AC
010-070-002	LEWIS HOMES OF NV	0690:0649607	12/21/1976		200	33.22 AC
010-070-002	KORB LUCILE P	0419:0337601	02/04/1963		200	33.22 AC
010-070-002	KORB LUCILE P	0419:0337601	02/04/1963		200	34.76 AC
010-070-002	KORB LUCILE P	0419:0337601	02/04/1963		200	38.40 AC

Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED
AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.



Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada 89155-1401

702-455-3882 (INFORMATION)

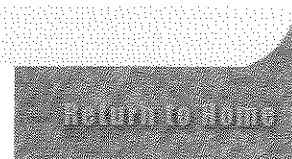
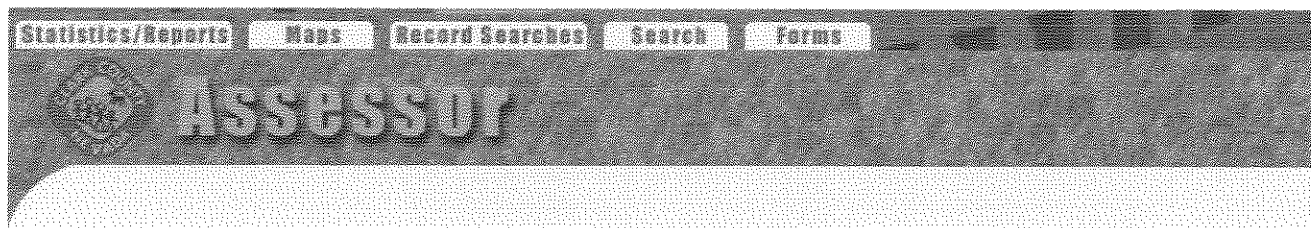


EXHIBIT # _____

A-1



M.W. Schofield, Assessor

PARCEL NUMBER INQUIRY - SEARCH BY OWNER'S NAME

OWNER NAME	OWNER NAME 2	TAX DISTRICT	PARCEL NUMBER
GRIMALDO-RODRIGUEZ SALVADOR		DST-200	#138-25-814-012
1			

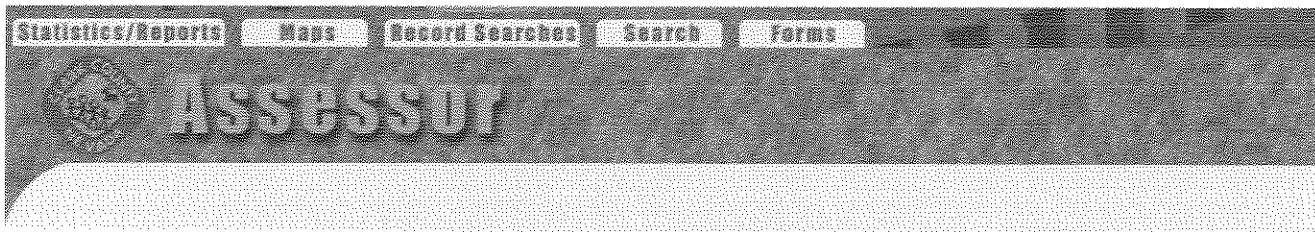


Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada 89155-1401

702-455-3882 (INFORMATION)

[Return to Home](#)

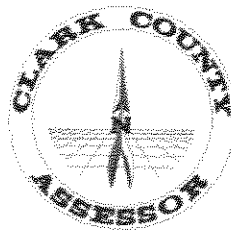
EXHIBIT # A₂



M.W. Schofield, Assessor

PARCEL NUMBER INQUIRY - SEARCH BY OWNER'S NAME

OWNER NAME	OWNER NAME 2	TAX DISTRICT	PARCEL NUMBER
MATA ROBERTO ORTEGO	DEORTEGA CONSUELO MATA	DST-340	#140-07-410-012
1			



Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada 89155-1401

702-455-3882 (INFORMATION)

[Return to Home](#)

Case No.

Debtor

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☒ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest.
	State whether lease is for nonresidential real property. State contract number of any government contract.

0

continuation sheets attached to Schedule of Executory Contracts and Unexpired Leases

B61 (Official Form 61) (12/07)

In re **Salvador Grimaldo Rodriguez**

Case No. _____

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDENTS OF DEBTOR AND SPOUSE	
Single	RELATIONSHIP(S): None	AGE(S):
Employment:	DEBTOR	SPOUSE
Occupation	Laborer	
Name of Employer	Loan Consulting Group	
How long employed	7 years	
Address of Employer	2913 Grant Avenue Ogden, UT 84401	

INCOME: (Estimate of average or projected monthly income at time case filed)	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$ 6,426.00	\$ N/A
2. Estimate monthly overtime	\$ 0.00	\$ N/A
3. SUBTOTAL:	\$ 6,426.00	\$ N/A
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes and social security	\$ 1,826.00	\$ N/A
b. Insurance	\$ 0.00	\$ N/A
c. Union dues	\$ 0.00	\$ N/A
d. Other (Specify):	\$ 0.00	\$ N/A
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$ 1,826.00	\$ N/A
6. TOTAL NET MONTHLY TAKE HOME PAY	\$ 4,600.00	\$ N/A
7. Regular income from operation of business or profession or farm (Attach detailed statement)	\$ 0.00	\$ N/A
8. Income from real property	\$ 0.00	\$ N/A
9. Interest and dividends	\$ 0.00	\$ N/A
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$ 0.00	\$ N/A
11. Social security or government assistance (Specify):	\$ 0.00	\$ N/A
12. Pension or retirement income	\$ 0.00	\$ N/A
13. Other monthly income (Specify):	\$ 0.00	\$ N/A
14. SUBTOTAL OF LINES 7 THROUGH 13	\$ 0.00	\$ N/A
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$ 4,600.00	\$ N/A
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	\$ 4,600.00	

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

EXHIBIT # **D**

B6J (Official Form 6J) (12/07)

In re Salvador Grimaldo Rodriguez

Debtor(s)

Case No. _____

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home)	\$	1,946.00
a. Are real estate taxes included?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
b. Is property insurance included?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
2. Utilities:		
a. Electricity and heating fuel	\$	250.00
b. Water and sewer	\$	125.00
c. Telephone	\$	110.00
d. Other	\$	0.00
3. Home maintenance (repairs and upkeep)	\$	25.00
4. Food	\$	550.00
5. Clothing	\$	25.00
6. Laundry and dry cleaning	\$	0.00
7. Medical and dental expenses	\$	105.00
8. Transportation (not including car payments)	\$	105.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	0.00
b. Life	\$	0.00
c. Health	\$	54.00
d. Auto	\$	85.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify)	\$	0.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	489.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	600.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other	\$	0.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	4,469.00
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		

20. STATEMENT OF MONTHLY NET INCOME

a. Average monthly income from Line 15 of Schedule I	\$	4,600.00
b. Average monthly expenses from Line 18 above	\$	4,469.00
c. Monthly net income (a. minus b.)	\$	131.00

EXHIBIT # E